



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

AUG 13 2004

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Conyers:

This responds to your letter dated June 23, 2004, to the Attorney General requesting that the Civil Rights Division ("the Division") evaluate whether "pattern or practice" litigation by the Division against Waffle House restaurants would be advisable. We are sending a similar response to the 11 co-signers of your letter.

Title II of the Civil Rights Act of 1964, 42 U.S.C. § 2000a(a), prohibits discrimination on the basis of race, color, religion or national origin in places of public accommodation, including restaurants whose operations affect commerce. The Attorney General may enforce Title II whenever he "has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by [Title II], and that the pattern or practice is of such a nature and is intended to deny the full exercise of [those] rights." 42 U.S.C. § 2000a-5. Under Title II, the Attorney General can seek injunctive relief aimed at changing policies and practices to remedy discrimination against customers, but it does not authorize the Attorney General to obtain specific relief, such as monetary damages, for individuals who are victims of discrimination. Since January 2001, the Civil Rights Division has resolved 14 cases and investigations involving alleged violations of Title II, including its recent settlement with Cracker Barrel Old Country Store, Inc. As Assistant Attorney General for Civil Rights, R. Alexander Acosta stated recently upon announcing the settlement of the litigation against Cracker Barrel, "To discriminate on the basis of race in the provision of food and service tramples most gravely not only the civil rights laws, but also our nation's promise of equality."

With regard to allegations that Waffle House restaurants may be engaging in racial discrimination against African American customers, the Division is currently evaluating what, if any, action may be appropriate pursuant to the Attorney General's authority under Title II.

